

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
THURSDAY, OCTOBER 7, 2004, 1:00 P.M.**

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**CALL TO ORDER**

Walter Baade, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:       Walter Baade, Chairperson  
                              Mareth Kipp  
                              Ellen Gennrich  
                              Pat Haukohl  
                              Betty Willert  
                              Walter Kolb  
                              Gary Goodchild

Commission

Members Absent:       None

Staff

Members Present:       Richard L. Mace, Planning and Zoning Manager  
                              Kathy Moore, Senior Planner  
                              Attorney Debra Price, Waukesha County Corporation Counsel's Office  
                              Sherrie Villarreal, Clerk Typist III

Guests Present:

Mike Dekan  
Bob and Carl Parchem  
Andy Arnold  
Chris Keller  
Mr. and Mrs. Dennis Lutynski  
Gina Hansen

**PUBLIC COMMENT:**

Chairperson Baade asked if anyone from the audience wished to address the Commission? Mr. Dekan, representing Sunset Portable Restrooms, addressed the Commission. He stated he couldn't stay for the meeting and Mr. Mace advised Mr. Dekan that the Planning and Zoning Division Staff is recommending approval of his request and a "Staff Report and Recommendation" is available for him to review. He indicated he had nothing to add.

**MINUTES:**

- *Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously for approval of the August 19, 2004, Minutes.*
- **CZ-1547 (Dr. Rodney Barnes) Town of Oconomowoc, Section 31 (From the A-T Agricultural Land Preservation Transition District to the R-1 Residential and A-1 Agricultural Districts)**

Mr. Mace presented the "Staff Report and Recommendation" dated October 7, 2004, and made a part of these Minutes. He pointed out the property on the aerial photograph, which is located on the northeast corner of Chaffee and Reddelin Roads in the Town of Oconomowoc.

Mrs. Gennrich asked if the area had sewer to which Mr. Mace replied the area does not presently have sewer, but may have sewer in the future if the property is annexed. Mrs. Kipp asked why the area to the north is being left in the A-T category? Dr. Barnes replied because he would have originally lost 50 ft., but after speaking with Mr. Herrmann (Town Planner), it was suggested to leave 66 ft. in the A-T category for a possible future road. He pointed out on the map the location of the driveway. Mrs. Gennrich said she felt comfortable voting for approval as long as the area would be sewered in the future.

*After discussion, Mrs. Willert moved, seconded by Mrs. Kipp and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **SVZ-1550 (Ralph Hibbard/Heaven City Development Co.) Town of Vernon, Section 19 (From the B-2 Local Business District to the R-3 Residential District)**

Mr. Mace presented the “Staff Report and Recommendation” dated October 7, 2004, and made a part of these Minutes. He pointed out the property on the aerial photograph, which is located on the south side of C.T.H. “ES”, immediately adjacent to the Fox River (recently annexed to the Village of Mukwonago). He located Fox River View Subdivision and stated the land along the river was dedicated to the County.

Mrs. Kipp asked which road do you access to enter the subdivision to which Mr. Mace replied off of Edgewood Avenue and pointed out where the street extension exists, which will be a permanent cul de sac with three lots. He said approximately 150 ft. of land, which extends down to the river, will be dedicated to the County. Mr. Goodchild expressed concerns with regards to the existing residence and Mr. Mace replied the residence will remain and the driveway will be rerouted, which is a condition of the Department of Transportation.

Mr. Mace stated the Planning and Zoning Division Staff knew the grading would eventually happen, but not prior to the rezoning hearing. The Village Planner is upset because the petitioner started the grading without the Village’s approval. Mrs. Gennrich asked if the petitioner disturbed the floodplain to which Mr. Mace replied “No”. She expressed concerns with erosion going into the river. Mr. Mace stated that silt fencing is installed and there is approximately 250 to 255 ft. to the river, and the fill is approximately 9 ft. deep. There was discussion regarding how long the silt fencing would hold the fill from eroding into the river. Mr. Goodchild asked if there was an overall Grading and Erosion Plan for the entire project and Mr. Mace replied that there was a Grading Plan. He stated because the land was annexed after 1992, the County has control of the erosion issue based on the County Erosion Control and Stormwater Management Ordinance and suggested that the Commission could require the following condition: “The petitioner be required to obtain a permit from the Land Resources Division, in conformance with the Waukesha County Erosion Control and Stormwater Management Ordinance.”

**Motion:**

*Mrs. Haukohl moved, seconded by Mrs. Gennrich for approval and carried unanimously, to add the following condition: “The petitioner be required to obtain a permit from the Land Resources Division, in conformance with the Waukesha County Erosion Control and Stormwater Management Ordinance.”*

Discussion took place with regards to the amendment of the above motion. Mrs. Haukohl suggested to amend the original motion by adding the following motion: “The matter be referred to the Corporation Counsel’s Office for review of a possible violation for illegal filling.” Mr. Mace stated it was incorrect to add a condition to a Zoning Ordinance amendment for a violation and suggested if the Commission chooses to forward the matter to the Corporation Counsel’s Office, it should be referred to separately.

**Rescind Original Motion:**

***Mrs. Haukohl moved, seconded by Mrs. Gennrich for approval and carried unanimously, to rescind the original motion.***

**Final Motion:**

***Mrs. Haukohl moved, seconded by Mrs. Willert for approval with a vote of 4 to 3 (Opposed: Mr. Kolb, Mr. Goodchild, and Mrs. Kipp) in accordance with the “Staff Report and Resolution” but subject to the following condition: “The petitioner be required to obtain a permit from the Land Resources Division, in conformance with the Waukesha County Erosion and Control Stormwater Management Ordinance.”***

Discussion took place with regards to voting on a separate motion for a possible violation for illegal filling.

**Separate Motion:**

***After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich for approval and carried unanimously, that the matter be sent as a separate issue, to the Corporation Counsel’s Office for review of a possible violation for illegal filling.***

• **SCU-909A (Gerald Gardipee/Myrtle Huolihan) Town of Genesee, Section 13**

Mr. Mace presented the “Staff Report and Recommendation” dated October 7, 2004, and made a part of these Minutes. He pointed out the property on the aerial photograph, which is located on the east side of Bethesda Church Road and south of Sunset Drive. The petitioner is requesting an amendment to the previous Conditional Use Permit for an in-law unit.

Mrs. Haukohl expressed concerns with the number of bedrooms (three bedrooms, the in-law unit, plus four additional bedrooms). Mrs. Gennrich explained that the residence was large and that a permit was previously granted for an in-law unit and the only thing changed is the ownership, which requires a Conditional Use Permit.

***After discussion, Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.***

- **SCU-1332A (Mission Lakes, LLC, c/o John Jendusa) Town of Oconomowoc, Section 36**

Mr. Mace presented the “Staff Report and Recommendation” dated October 7, 2004, and made a part of these Minutes. He pointed out the property on the aerial photograph, which is located on Wisconsin Avenue. The petitioner is requesting an amendment to the previous Conditional Use Permit to allow the construction of a 20 ft. x 30 ft. boathouse, a handicapped ramp, piers, wharfs and possible grading.

Mr. Mace explained that the final version of the “Staff Report and Recommendation” was revised from the “Draft” copy sent to the Commission members. He stated the Planning and Zoning Division Staff is recommending that the Commission **table the matter** and go back and meet with the developer and the Town. Also, the Town Plan Commission voted against the Planning and Zoning Division Staff’s recommendation. He said he had issues with the boathouse, its design and whether it is ADA accessible or not, the number of wharfs proposed and their location. He noted a fire was occurring as the Commission met today and the entire project was engulfed in flames.

*After discussion, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, to **table the matter**, as recommended by the Planning and Zoning Division Staff.*

- **PO-04-OCOT-26 (Mission Lakes, LLC, c/o James Jendusa) Town of Oconomowoc, Sec. 36**

Mr. Mace presented the “Staff Report and Recommendation” dated October 7, 2004, and made a part of these Minutes. The petitioner is requesting a Site Plan/Plan of Operation Permit to allow the construction of a 26 ft. x 30 ft. boathouse, a handicapped ramp, piers, wharfs and possible grading.

*Based on the previous comments, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, to **table the matter**, as recommended by the Planning and Zoning Division Staff.*

- **CU-573B (H. James and Sons, Inc./Alan and Ken Runyard/WI DOT) Town of Oconomowoc, Section 18**

Mr. Mace presented the “Staff Report and Recommendation” dated October 7, 2004, and made a part of these Minutes. He pointed out the property on the aerial photograph, which is located on the north side of Lang Road. The subject of discussion is the revision of the existing Conditional Use regarding the hours of operation of the rock crusher. He indicated this topic was for informational purposes only.

Mr. Mace pointed out on September 30, 2004, the Town Planner (Mr. Herrmann) wrote a letter to the Planning Staff, indicating he had received calls from a complainant questioning the hours of operation and noise levels of the construction. The rock crusher is allowed to operate from 9:00 a.m. to 5:00 p.m. under the terms of the Conditional Use Permit; however, the Town Board recently modified the hours to run consecutively with the rest of the operation and changed the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday and limited hours on Saturday. He explained the office received a letter from H. James and Sons asking for a change and wasn’t sure if the County needed to act to modify the hourly change, because the Town reserves that right in the Conditional Use Permit. He wanted to bring this matter before the Commission to see if they had a problem with the change in hours. Mrs. Kipp said this cannot be drawn out and the faster the project could be completed, it would be better for everyone. Mrs. Gennrich asked if there were complaints from other neighbors to which Mr. Mace replied there were none. The **Commission concurred with Mr. Mace’s comments** and agreed that the Town had the right to modify the hours.

- **PO-04-GNT-34 (Sunset Septic Service/Dekan Excavation) Town of Genesee, Sec. 22**

Mr. Mace presented the “Staff Report and Recommendation” dated October 7, 2004, and made a part of these Minutes. He pointed out the property on the aerial photograph, which is located on Brookhill Road. The petitioner is requesting a Site Plan/Plan of Operation Permit for after-the-fact approval for a septic service and installation operation.

Discussion was led by Mrs. Haukohl who asked if the County and Town were comfortable with the proposed retention basin to which Mr. Mace replied the Town and County did not have issues. Mrs. Gennrich asked which way the water flows and Mr. Mace replied into the right-of-way ditch on the railroad’s property. Mrs. Kipp stated almost everything in the area runs west and indicated there was a creek in that direction. Mr. Parchem pointed out (on the map) where the railroad track was located and stated the drain runs underneath the track and then into manholes/catch basins. Mrs. Parchem introduced herself and pointed out where the catch basins were located.

There was discussion with regards to what businesses would be leased in the building the owners were proposing. Mr. Parchem stated the building would be leased to Sunset Septic Service, Sunset Portable Restrooms and Interstate Tree Landscaping Company. Approximately 4,550 sq.ft. would be leased to AAT Communications for a cellular communications tower. In the future he would like to construct another building to accommodate the excess equipment owned by Interstate Tree Company. Mrs. Gennrich asked where the portable restrooms would be located? Mrs. Parchem replied they are parked outside and are not visible from the road because they are shielded by a large berm along Highway “V”. She noted that Sunset Portable Restrooms does not use Building “A”, which is vacant. Sunset Portable Restrooms rents 2,000 sq.ft. of the proposed building, but stores supplies at Sunset Septic Service and administrative duties are performed in an office in Hubertus. Mrs. Willert explained to Mr. and Mrs. Parchem when there is a change of tenants in the building, they must apply for a Site Plan/Plan of Operation Permit prior to the change in operation.

*After discussion, Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-GNT-35 (Sunset Portable Restrooms) Town of Genesee, Sec. 22**

Mr. Mace presented the “Staff Report and Recommendation” dated October 7, 2004, and made a part of these Minutes. He pointed out the property on the aerial photograph, which is located on Brookhill Road and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for after-the-fact approval.

Mr. Mace pointed out the business has been in operation at this site under the same owner/operator as Sunset Septic Service/Dekan Excavating for two years without Plan of Operation approvals. The previous owner, Michael Dekan, has sold Sunset Portable Restrooms, Inc. to the petitioner who will be the new owner/operator. Sunset Portable Restrooms, Inc. provides delivery and setup of portable restrooms for various occasions and large gatherings.

*After a brief discussion, Mrs. Haukohl moved, seconded by Mrs. Kipp and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-GNT-36 (Interstate Tree Landscaping Co./Robert & Caryl Parchem) Town of Genesee, Section 22**

Mr. Mace presented the “Staff Report and Recommendation” dated October 7, 2004, and made a part of these Minutes. He pointed out the property on the aerial photograph, which is located on Brookhill Road. The petitioner is requesting a Site Plan/Plan of Operation Permit for a new operator and new storage building for the existing operation, which stores and processes wood products, and also includes tree clearing, grubbing and grinding.

There was discussion with regards to the items stored on the site, such as: wood chips, bulk wood, brush and debris, which are stored in large piles. The company will be run by a new operator, Chris Keller, President. The petitioner and owner are proposing to construct a 60 ft. x 176 ft., 10,560 sq. ft., unheated storage building for the storage of machinery and equipment.

*After a brief discussion, Mrs. Kipp moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-OTWT-6 (Skydance Pet Lodge) Town of Ottawa, Section 34**

Mr. Mace presented the “Staff Report and Recommendation” dated October 7, 2004, and made a part of these Minutes. He pointed out the property on the aerial photograph, which is located on Highway 67 and stated the petitioner (by letter) is requesting reconsideration of the Park and Planning Commission’s decision of September 23, 2004, with regards to the total number of dogs allowed on the premises and approval of a quail pen.

Mr. Mace said Mr. Lutynski asked to be placed on the agenda to modify the total number of dogs from 90 to 120. Mrs. Gennrich questioned how did the number of 90 dogs come about and Mrs. Haukohl replied that 120 dogs was too many dogs for the facility, to which Mr. Kolb added that the 90 dogs could be reduced further. Mrs. Kipp explained that for small dogs the minimum kennel would be 2 ft. x 5 ft.; for medium dogs the exercise area would be approximately 10 ft. and the minimum kennel would be 3 ft. x 3 ft.; for large dogs the minimum kennel would be almost 4 ft. x 5 ft. with a 13 ft. exercise area; and for extra large dogs the minimum exercise area would be 16.4 ft. She stated, “The petitioner was not very forthwith in trying to explain what they had.” Most kennels do not double bunk dogs, they only have single facilities unless the dog has siblings. At Skydance Pet Lodge dogs are put together with dogs they don’t know. She pointed out that one kennel she associates with has 130 dogs with 32 employees and another kennel she is familiar with has 80 runs with five full-time people employed. Mrs. Gennrich questioned how many people are employed at Skydance Pet Lodge? Mrs. Kipp replied two full-time and four part-time, and two of those people work in the petitioner’s grooming business. Mrs. Kipp had concerns with the parking area not being adequate because only nine spaces are proposed and yet the petitioner feels there will be a large amount of business. She was

also concerned about the amount of business on Sunday, whereby the kennel is only open from 5:00 p.m. to 6:00 p.m.

Mrs. Lutynski stated she felt a lot of hostility from Mrs. Kipp's discussion and said they have a well-run operation and don't chain dogs to doghouses. She explained the dogs are put in large yards with shaded trees and stated they take care of the dogs extremely well and provide exercise, fresh buckets of water a minimum of twice a day, and on hot days "kiddy" pools are set up. She suggested that the Commission visit the kennel. Mr. Lutynski stated he didn't realize that the number of 90 dogs did not include puppies under the age of six months and said he would like to withdraw his request to reconsider Condition No. 2, which refers to "90 dogs" and also to review other conditions of the original request heard at the September 23, 2004, Park and Planning Commission meeting.

***The matter was withdrawn.***

• **(Joseph and Susan George) Town of Eagle, Section 36**

Mr. Mace presented the "Staff Memorandum" dated October 7, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting construction of a retaining wall closer than 5 ft. from the property line on the north side of the home, which is located on Lot 30 with approximately 50 ft. of width and frontage on Eagle Spring Lake and South Shore Drive.

There was discussion with regards to the following statement made in the "Staff Memorandum" by Mr. Rose (Senior Conservation Specialist): *"Based on observations, the walls are not necessary for erosion control. The site can be stabilized by other means such as erosion matting and the neighboring house has similar slopes and are able to maintain grass."* The Commission then reviewed photographs of the property. Mr. Mace stated the Planning and Zoning Division Staff is recommending approval for the retaining wall.

***After discussion, Mrs. Gennrich moved, seconded by Mr. Goodchild and carried unanimously, for approval in accordance with the "Staff Memorandum". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.***

**SCHEDULED MATTER:**

**3:00 p.m.**

• **SZ-1459A (Proposed Text Amendments to the Waukesha County Shoreland and Floodland Protection Ordinance)**

Mr. Mace presented the "Staff Report and Recommendation" dated October 7, 2004, and made a part of these Minutes.

Mrs. Moore said the Definition Section is the same as the County Code. She said at the public hearing the builders had concerns with Section 30, which was to clarify the definition of "shore setback". The old definition stated it was only to the ordinary high water mark, but in the setback provisions of the Ordinance it refers to the shore setback being to the conservancy, wetland or 100-Year Floodplain. She said the language is being redefined to reflect how the Ordinance is written." She said on Page

10, the definition of “structure” will be different than the County Code, because it must match the language in the Administrative Rules. Structural items deleted are flagpoles, birdbaths, mail boxes, basketball hoops, etc. On Page 20, Section 43, the Department of Natural Resources has asked to add Item No. (e), “Land Altering Activities” with regards to impeding drainage or reducing flood storage capacity.

Mrs. Moore said the next controversial item at the public hearing was “shoreland cutting”. She said what is being clarified is what can be cut, how much can be cut, that you can remove the dead and dying, diseased and invasive species, but you must submit a plan. Attorney Price pointed out you only need the permit if it is within the first 35 ft. and it is outside of your access corridor. Under Section 46, “Shoreland Cutting and Access/View Corridor”(Page 23) the “Purpose” Section is removed. Mr. Kolb stated he was not in favor of the clarification of the shoreland cutting amendment and said it was taking away property rights to an extreme. Attorney Price pointed out either you regulate it or not, that there is no middle ground. Mrs. Moore pointed out that on Page 24, No. 4, “Shoreland cutting that disturbs the surface of the land requires an additional permit for the land-altering activities.” She stated that is part of the “land -altering activities” definition, which may require a Conditional Use or a Minor Grading Permit.

Mrs. Moore said on Page 26, Section 50, “Land-altering Activities”, we are trying to clarify the issue in the Wisconsin Statutes, whereby a Memorandum of Understanding between the Department of Transportation (DOT) and the Department of Natural Resources (DNR), for a specific highway project, will not require a Conditional Use Permit.

On Page 28, No. 6 was added which reads as follows: “The proposed grading and land-altering activities shall conform to the Waukesha County Construction Site Erosion Control and Stormwater Management Ordinance and a permit under that Ordinance must be received from the Waukesha County Department of Parks and Land Use, Land Resources Division, prior to the issuance of the Conditional Use Permit.”

On Page 40, Section 60, the issue of boathouses in Item No. 1 was clarified, that they have to be within 50 ft. of the ordinary high water mark of a navigable stream or a Conservancy/Wetland District, but cannot be in the wetland, floodplain or floodway.

On Page 40, Section 60, Item No. 3 was added, stating that the Zoning Administrator may grant a special Zoning Permit for open structures less than 200 sq.ft. between 35 and 75 ft. from the ordinary high water mark, which is a statutory requirement that has not been in the Ordinance previously.

Item No. 4 on Page 41 has been added, which states that a retaining wall shall be set back at least 75 ft. from the ordinary high water mark of a navigable body of water and outside of the Conservancy District and wetlands and may be allowed if the zoning administrator determines that the retaining wall is necessary to abate a known and identified soil erosion and sedimentation problem.

Mrs. Moore stated Item No. F on Page 42 was added, which basically states if you have substandard lots of record, given all the offset, setback and shore setback requirements, we have to allow a minimum (without a Variance) 30 ft. deep building envelope. The Department of Natural Resources has commented that Item No. F. does not meet NR115, but they don’t have a problem with it. She said the other major change in the setback is the provision that since the County is more restrictive

than State standard, with regards to being 75 ft. from the Conservancy/Wetland and ordinary high water mark, you can be 50 ft. from the Conservancy/Wetland boundary if you are 3 ft. above the natural grade of the 100-Year Floodplain or high water mark of the conservancy or wetland area, as long as you are 75 ft. from the ordinary high water mark. This rule may reduce the number of Variance cases.

On Page 47, Section 64, requires legal lots of record to comply with the floor area ratio requirements of the zoning district. Mrs. Gennrich asked, regardless of whether there is sewer or not, and Mrs. Moore replied it could be increased 19.5 percent if sewer, etc. Attorney Price advised you could apply for a Variance if you can't comply with the terms of the Code.

A clarification was made on Page 49, Section 68, whereby no boathouses shall be allowed on any lot less than 15,000 sq.ft. or that have less than 100 ft. of frontage. Mrs. Moore said many people have objected to this rule, but when you only have a floor area ratio of 15 percent on a 15,000 sq.ft. lot and you are allowed 2,250 sq.ft. of building area, it shouldn't be used for a boathouse. Mrs. Gennrich pointed out that she has received several calls from people who have said boathouses block their view of the lake.

Mrs. Moore pointed out all other amendments are similar to what was changed in the County Code and the above items were changes made only in the Shoreland and Floodland Protection Ordinance.

Mrs. Moore then referred to a letter dated September 23, 2004, from the Metropolitan Builders Association, which had an issue with the definition of "building height". She said the current definition is listed on Page 2, where it is defined from the lowest point of the exposed structure to the highest point of the roof. Attorney Price stated, as you go into different districts, it will tell you the maximum height for a building, which is typically 35 ft. She explained people still have the right to seek a Variance for building height where their lot is unique or has some characteristics that make it difficult to comply with a 35 ft. height.

Mrs. Haukohl questioned Page 21, Section 45 "Surface Water Withdrawal" and how it was relevant to the Ordinance and Chairperson Baade replied, "lawn sprinkler systems". She asked why was the retaining wall language different on Page 35 and Page 46? Page 35 states, "*Retaining walls do not need to meet the road setback requirements of the individual zoning district.*" She questioned the original statement where it states, "*.....but must comply with the provision of Section 3.04(5) of this Ordinance.*" Attorney Price replied they must comply with everything in the Ordinance, not just Section 3.04(5). Mrs. Haukohl said to her, this looks like an exception. Mrs. Moore replied, "You don't need a retaining wall to be 50 ft. from the road." Now that a retaining wall is defined as a structure, technically all structures have to meet the road setback and offset requirements. Mrs. Haukohl said on Page 46, Item No. 9 was a repeat of Page 35. *Item No. 9 states, "Retaining walls do not need to meet the offset requirements of the individual zoning districts if they comply with the provisions of Section 3.04(5) of this Ordinance.* Mrs. Moore answered that in Section 3.04(5) is where the County and Town Plan Commissions have to approve a retaining wall within 5 ft., which is specific to "offset". With regards to Item No. 9, you don't have to meet the offset and be 20 ft. away, but if you have construction within 5 ft. you need Town and County Plan Commission approval.

Mrs. Haukohl said on Page 48, Section 66, it states, “Open space for recreational uses may contain impervious surfaces, such as trails or tennis courts.” She said, “This is different than what the Green Space group came up with, which is not to exceed two percent (2 %) of the total area.” Mrs. Moore replied that this amendment is talking about open space on individual lots.

Mrs. Haukohl questioned Section 82, Page 55, “Signs – allowed by a Conditional Use to evaluate size orientation and compatibility with the entire site. Landscape and Site Plans for the signs must be submitted to, reviewed and approved by the Plan Commission and Zoning Agency.” Mrs. Moore stated this was in the new BP/B-4 Districts and explained that the Planning and Zoning Division Staff is excluded in this amendment. Attorney Price said the Planning and Zoning Division Staff is not an entity under the Statutes that can make zoning decisions.

Attorney Price stated on Page 59, Section 92, 2<sup>nd</sup> line, “Plan Commission” should be put back in so the sentence will read, “....approved by the Plan Commission and the zoning administrator.”

**Motion:**

***Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously for approval, of putting back in “Plan Commission” on the second line of Section 92, Page 59, so the sentence will read, “.....approved by the Plan Commission and zoning administrator”.***

Attorney Price said on Page 70, Section 120, “Definition of Livestock” can be removed because it is already mentioned in Section 20.

**2<sup>nd</sup> Motion:**

***Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously for approval, to eliminate Section 120 on Page 70 (Definition of Livestock).***

**3<sup>rd</sup> Motion:**

***Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously for approval, to eliminate the “Purpose” paragraph of Section 46 on Page 23.***

Mr. Mace noted there was a typographical error on Page 49, Section 68: “Simentional” should be replaced with “Dimensional”.

Ms. Hansen, Governments Affairs Associate, from Metropolitan Builders, said with regards to “building height” they were fine with the language except for the 35 ft. height, which in her opinion should be 45 ft., because in Wisconsin you need a steeper pitch on rooftops due to the snow. The 45 ft. building height would eliminate the need for many Variances. Mr. Mace stated, “You could increase the building height by 10 ft., if you increase the offset an extra foot by each foot that you go up.” This applies to new lots, but would not be appropriate on the nonconforming 50 ft. lots.

**Final Motion:**

***After discussion, Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously, for approval, in accordance with the “Staff Report and Recommendation” for the amendments to the Waukesha County Shoreland and Floodland Protection Ordinance.***

**ADJOURNMENT**

*There being no further business to come before the Commission, Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously, to adjourn the meeting at 4:15 p.m.*

Respectfully submitted,

Ellen Gennrich  
Secretary

EG:smv